



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED

MAR 01 2010

OFFICE OF PETITIONS

MARK R. WILLIAMS  
682 S. 7TH ST.  
SAN JOSE CA 95112

In re Application of  
Williams  
Application No. 09/652,387  
Filed: August 31, 2000  
Attorney Docket No. 253/232

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned February 6, 2003 for failure to timely submit a proper reply to the final Office action mailed September 5, 2003. The final Office action set a three month shortened statutory period of time for reply. A two month petition for extension of time was timely requested. Notice of Abandonment was mailed November 16, 2004. A petition under 37 CFR 1.137(b) was filed January 14, 2005 and dismissed September 21, 2007. Notice under 37 CFR 1.251 was mailed July 30, 2009 to which a reply was filed October 19, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional~ and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137 (c).

The instant petition fails to satisfy requirement (1) set forth above. The proposed reply consists of a request for continued examination (RCE) and a submission, which petitioner indicates is the reply previously filed June 19, 2004. The previous reply, however, is not signed.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1)

A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.”

Any request for reconsideration must be accompanied by a copy reply to the final Office action. To the extent that the reply to the final Office action is an RCE and submission, petitioner is advised that the submission must be signed in accordance with 37 CFR 1.33(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions